

REMARKS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16 are pending in the application, with Claims 1-11 having been withdrawn from consideration and Claim 12 having been amended by way of the present amendment.

In the outstanding Office Action, Claims 12-16 were rejected under 35 U.S.C. § 112, second paragraph; Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Noda et al. (U.S. Patent No. 4,820,655, hereinafter Noda); Claims 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noda in view of Nakao et al. (U.S. Patent No. 5,585,957, hereinafter Nakao); and Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Noda in view of Application's disclosure pages 2-3.

Applicants acknowledge with appreciation the interview between the Examiner, the Examiner's supervisor, and Applicants' representative on August 14, 2003. During the interview, the Examiners agreed that Noda does not teach "a multilayer EA modulator *with an aluminum-based active region* and a multilayer DFB laser *with a non-aluminum-based active region*" as recited in Applicants' original or amended Claim 12. The Examiners also agreed to withdraw the pending rejection under 35 U.S.C. § 112, second paragraph, but requested a minor amendment to clarify the grammar of Claim 12.

Claim 12 is amended as suggested by the Examiners during the interview so as to clarify the grammar of the claim. No new matter is added.

Appl. No. 10/044,990
Reply to Office Action of April 24, 2003

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Michael E. Monaco
Registration No. 52,041



22850

Tel.: (703) 413-3000

Fax: (703) 413-2220

BDL/MEM/kkn

I:\ATTY\MM\AMENDMENT\1294\216449.AM..DOC